

## **Remarks**

Reconsideration and reexamination of the above-identified patent application, as amended, are respectfully requested. Claims 1-11, 13-25, and 27 are pending in this application upon entry of this Amendment. In this Amendment, the Applicant has amended claims 1-3, 5-11, 13-14, 17-19, 21-24, and 27; and cancelled claims 12 and 26. No claims have been added in this Amendment. Of the pending claims, claims 1, 13, and 17 are the only independent claims.

### **The Specification**

In the Office Action mailed September 8, 2005, the Examiner objected to the specification for not including the serial numbers of the applications cited under the "Cross-Reference to Related Applications" section. The Applicant has amended the specification to include such serial numbers.

### **Claim Rejections - 35 U.S.C. § 103**

#### **A. Claims 1-12 and 17-27**

The Examiner rejected claims 1-12 and 17-27 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,608,447 issued to Farry et al. ("Farry") in view of U.S. Patent No. 5,519,830 issued to Opoczynski ("Opoczynski"), U.S. Patent No. 6,137,793 issued to Gorman et al. ("Gorman") and U.S. Patent No. 5,559,955 issued to Dev et al. ("Dev"). The Applicant believes that the claimed invention is patentable over the cited art and has amended independent claims 1 and 17 to more clearly define thereover.

#### **1. The Claimed Invention**

The claimed invention, as set forth in representative independent claim 1, as amended, includes a database and an online provisioning application link (OPAL). The database stores data indicative of (i) an inventory of network elements and CPE in an HFC

network and an inventory of CPE which are out of the HFC network, (ii) configuration and connectivity of the network elements and the CPE in the HFC network, and (iii) assigned capacity of the HFC network based on the configuration and the connectivity of the network elements and the CPE in the HFC network. The OPAL is operable with the database to provision a CPE in the inventory of CPE which are out of the HFC network to be added into the HFC network and to provision network elements in the HFC network with the CPE added into the HFC network based on the assigned capacity of the network elements.

**2. The Claimed Invention Compared to the Cited Art**

The claimed invention generally differs from any combination of Farry, Opoczynski, Gorman, and Dev in that the database stores data indicative of CPE which are out of the HFC network and the OPAL is operable with the database to provision a CPE which is out of the HFC network to be added into the HFC network and provision network elements in the HFC network with the CPE added into the HFC network based on the assigned capacity of the network elements. In contrast to the claimed invention, Farry discloses providing a CPE with access to an information service provider by enabling a virtual circuit previously established between the CPE and the information service provider. In contrast to the claimed invention, Dev includes models which represent network entities that are already part of a network.

Accordingly, the Applicant believes that the claimed invention, as set forth in independent claims 1 and 17, as amended, is patentable over the cited art. Claims 2-11 depend from amended independent claim 1 and include the limitations therein. Claims 18-25 and 27 depend from amended independent claim 17 and include the limitations therein. Thus, the Applicant respectfully requests reconsideration and withdrawal of the rejection to claims 1-11, 18-25, and 27 under 35 U.S.C. § 103(a).

**B. Claims 13-16**

The Examiner rejected claims 13-16 under 35 U.S.C. § 103(a) as being unpatentable over Farry in view of Dev. The Applicant believes that the claimed invention is patentable over Farry in view of Dev and has amended independent claim 13 to more clearly define thereover.

**1. The Claimed Invention**

The claimed invention as set forth in amended independent claim 13 includes a server having an HFC network inventory manager for inventory management of HFC network elements and customer-premises equipment within the HFC network and customer-premises equipment which are out of the HFC network.

**2. The Claimed Invention Compared to Farry in view of Dev**

The claimed invention generally differs from any combination of Farry and Dev in that the HFC network inventory manager is for inventory management of customer-premises equipment which are out of the HFC network. In contrast to the claimed invention, Farry discloses, as posited by the Examiner, “manages orders for services the manages the inventor [services provided] of the server from whence the services are provided” (citing col. 11, lines 21-42).

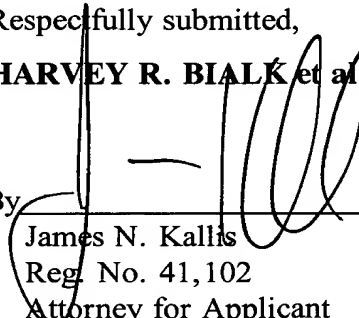
Accordingly, the Applicant believes that the claimed invention, as set forth in amended independent claim 13 is patentable over Farry in view of Dev. Claims 14-16 depend from amended independent claim 13 and include the limitations therein. Thus, the Applicant respectfully requests reconsideration and withdrawal of the rejection to claims 13-16 under 35 U.S.C. § 103(a).

**CONCLUSION**

In summary, claims 1-11, 13-25, and 27, as amended, meet the substantive requirements for patentability. The case is in appropriate condition for allowance. Accordingly, such action is respectfully requested.

If a telephone or video conference would expedite allowance or resolve any further questions, such a conference is invited at the convenience of the Examiner.

Respectfully submitted,  
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